

Respondent.

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OPINION & ORDER  
[Resolving Doc. Nos. [23](#) & [24](#)]

The law disfavors default judgments. *See, e.g., Shephard Claims Serv., Inc. v. William Darrah & Assoc.*, 796 F.2d 190, 193-95 (6th Cir. 1986) (noting “strong preference for trials on the merits in federal courts”). And whether to grant a motion for default judgment is subject to the court’s discretion. *Duncan v. Speech*, 162 F.R.D. 43, 45 (E.D. Pa. 1995).

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In this case, it does not appear that the Petitioner will suffer prejudice from denying default judgment. Indeed, the Case Management Conference is not until December 3, 2010. Further, the relatively short length of the delay in answering the complaint weighs in favor of denying default. Finally, there is no indication that the Respondent's delay was fueled by an improper motive. These circumstances—with a child's custody a stake—lead the Court to deny default judgment.

The Court therefore **DENIES** Petitioner's motion for default judgment and **GRANTS** Respondent's motion for leave to file an answer.

IT IS SO ORDERED.

Dated: November 1, 2010

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE